

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GREENTEX GREENHOUSES BV,	)	4:04CV3390
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
PONY EXPRESS GREENHOUSE LLC,	)	
	)	
Defendant.	)	

On March 3, 2006, Plaintiff filed a motion for a 30-day enlargement of time to respond to Defendant's motion for summary judgment, stating that an important deposition was scheduled for March 14, 2006. (The discovery deadline is March 17, 2006.) Defendant's motion was filed on February 16, 2006, which means that the response date under our local rules was March 13, 2006. See NECivR 6.1(b), (c) and 56.1(b)(2). Thirty days from that date would be April 12, 2006, which would mean that Defendant would have until April 24, 2006, to file a reply. See NECivR 6.1(b), (c), 7.1(c), and 56.1. Trial of the case is scheduled to commence on April 24, 2006.

Obviously, Plaintiff cannot be granted a 30-day enlargement of time without also continuing the trial. Because Plaintiff has not made a showing by affidavit pursuant to Federal Rule of Civil Procedure 56(f), nor indicated that Defendant has no objection to the proposed enlargement of time, I will not order a continuance of the trial date. However, considering that Defendant's motion for summary judgment concerns only a limited issue (i.e., whether an alleged agency relationship existed), I will grant Plaintiff a two-week enlargement of time, until March 27, 2006, to file its response to Defendant's motion for summary judgment. Defendant's reply will be due no later than April 6, 2006.

Accordingly,

IT IS ORDERED that Plaintiff's motion for an enlargement of time (filing 49) is granted in part and denied in part, as follows:

1. Plaintiff shall have until March 27, 2006, to respond to Defendant's motion for summary judgment (filing 43).
2. In all other respects, the motion is denied.

March 15, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge